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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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DES MOINES, IA 50309-2721

EXAMINER

NEGRON, ISMAEL

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,703

Applicant(s)

GORDIN ET AL.

Examiner

Ismael Negron

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-61 is/are allowed.
- 6) ☒ Claim(s) 1,7-9 and 11-22 is/are rejected.
- 7) ☒ Claim(s) 2-6 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on December 27, 2004 has been entered. Claims 1 and 2 have been amended. No claim has been cancelled. Claims 23-61 have been added. Claims 1-61 are still pending in this application, with claims 1, 23 and 44 being independent.

Drawings

2. The drawings were received on December 27, 2004. These drawings are not acceptable.

3. The drawings are objected to because part of the legend located on the left hand side of Figure 6A is not readable.

4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the

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renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. Due to the extensive amendments to the description already entered a substitute specification, excluding the claims, is strongly suggested.

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and (c)

Claim Rejections - 35 USC § 112

6. Claim 22 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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Claim 22 recites a method of redirecting light back towards a portion of the arc-tube in a manner to encourage isothermal conditions in the arc-tube; however, no such method is described by the instant application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 7-9, 11, 16-18, and 21 rejected under 35 U.S.C. 102(b) as being anticipated by GORDIN (U.S. Pat. 5,707,142).

GORDIN discloses a luminaire assembly having:

- **a bulb cone (as recited in Claim 1), Figure 3, reference number 15;**
- **a mounting connection (as recited in Claim 1), Figure 3, reference number 17;**
- **the mounting connection being adapted to mount the bulb to a support (as recited in Claim 1), column 1, lines 39-44;**
- **a reflector (as recited in Claim 1), Figure 2, reference number 12;**
- **the reflector having a portion adapted for connection to the bulb cone (as recited in Claim 1), Figure 3, reference number 26;**

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- **the reflector having an opening (as recited in Claim 1), Figure 3, reference number 18;**
- **the opening being adapted to be covered by a lens (as recited in Claim 1), column 1, lines 44-47;**
- **a mount (as recited in Claim 1), Figure 2, reference numbers 22 and 24;**
- **the mount being for receiving a double-ended unjacketed HID light source (as recited in Claim 1), column 1, lines 48-53;**
- **the mount being adapted to be positioned interiorly of the reflector (as recited in Claim 1), as evidenced by Figure 2;**
- **the mount including a member adapted to removably receive and hold a double ended HID light source (as recited in Claim 1), as evidenced by Figure 2;**
- **an electrical power connection (as recited in Claim 1), inherent;**
- **the power connection being adapted for connection to a source of electrical power (as recited in Claim 1), inherent;**
- **the mount having first and second spaced apart receivers (as recited in Claim 7), Figure 2, reference numbers 22 and 24;**
- **each one of the receivers being for a respective one of the ends of the HID source (as recited in Claim 7), as seen in Figure 2;**

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- **each receiver being connected to an arm extending to a portion adapted for mounting to either the reflector or the bulb cone (as recited in Claim 7), as seen in Figure 2;**
- **the receivers being positioned to hold an HID source in a desired position interiorly of the reflector (as recited in Claim 7), as seen in Figure 2;**
- **manually releasably members (as recited in Claim 8), Figure 2, reference numbers 22 and 24;**
- **the members being on one of the receivers or the HID light source adapted to releasably lock the HID source into the receivers (as recited in Claim 8), inherent;**
- **the manually releasable members including resilient devices (as recited in Claim 9), as evidenced by Figure 2;**
- **the resilient devices engaging and locking into complementary structures in the receivers (as recited in Claim 9), as seen in Figure 2;**
- **a structure to orient the HID source in a desired rotation orientation relative to a longitudinal axis of an HID source when mounted (as recited in Claim 11), inherent;**
- **UV attenuation (as recited in Claim 16), inherent as necessitated by the disclosed HID light source;**

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- **the attenuation being applied to the HID source (as recited in Claim 16), inherent as necessitated by the disclosed HID light source;**
- **the UV attenuation substantially attenuating UV radiation from any part of the HID source (as recited in Claim 17), inherent as necessitated by the disclosed HID light source;**
- **the HID source is an arc tube having about 1000 watts or more rating (as recited in Claim 18), column 4, lines 33 and 34; and**
- **means for redirecting light from a portion of the HID light source that otherwise would leave the arc tube back towards a portion of the arc tube (as recited in Claim 21), as evidence by Figure 10.**

Regarding the used of the word “adapted” in the claims, the applicant is advised that it has been held by the courts that the recitation that an element is “adapted to” perform a function or serve in a given application is not a positive limitation, but only requires the ability to so perform. *In re Hutchinson*, 69 USPQ 138.

In addition, it is noted that while some structure has being claimed relating to a double-ended unjacketed HID light source, as defined by the claims such light source is not part of the claimed invention, but merely directed to its intended use.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over GORDIN (U.S. Pat. 5,707,142) in view of M^CINGVALE, Jr. et al. (U.S. Pat. 4,918,582).

GORDIN discloses a luminaire assembly having:

- **a bulb cone (as recited in Claim 1), Figure 3, reference number 15;**
- **a mounting connection (as recited in Claim 1), Figure 3, reference number 17;**
- **the mounting connection being adapted to mount the bulb to a support (as recited in Claim 1), column 1, lines 39-44;**
- **a reflector (as recited in Claim 1), Figure 2, reference number 12;**
- **the reflector having a portion adapted for connection to the bulb cone (as recited in Claim 1), Figure 3, reference number 26;**
- **the reflector having an opening (as recited in Claim 1), Figure 3, reference number 18;**
- **the opening being adapted to be covered by a lens (as recited in Claim 1), column 1, lines 44-47;**

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- **a mount (as recited in Claim 1), Figure 2, reference numbers 22 and 24;**
- **the mount being for receiving a double-ended unjacketed HID light source (as recited in Claim 1), column 1, lines 48-53;**
- **the mount being adapted to be positioned interiorly of the reflector (as recited in Claim 1), as evidenced by Figure 2;**
- **the mount including a member adapted to removably receive and hold a double ended HID light source (as recited in Claim 1), as evidenced by Figure 2;**
- **an electrical power connection (as recited in Claim 1), inherent;**
- **the power connection being adapted for connection to a source of electrical power (as recited in Claim 1), inherent;**
- **the mount having first and second spaced apart receivers (as recited in Claim 7), Figure 2, reference numbers 22 and 24;**
- **each one of the receivers being for a respective one of the ends of the HID source (as recited in Claim 7), as seen in Figure 2;**
- **each receiver being connected to an arm extending to a portion adapted for mounting to either the reflector or the bulb cone (as recited in Claim 7), as seen in Figure 2;**

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- **the receivers being positioned to hold an HID source in a desired position interiorly of the reflector (as recited in Claim 7), as seen in Figure 2;**
- **manually releasably members (as recited in Claim 8), Figure 2, reference numbers 22 and 24;**
- **the members being on one of the receivers or the HID light source adapted to releasably lock the HID source into the receivers (as recited in Claim 8), inherent;**
- **a structure to orient the HID source in a desired rotation orientation relative to a longitudinal axis of an HID source when mounted (as recited in Claim 11), inherent;**
- **an ignitor circuit for the light source (as recited in Claim 13), inherent;**
- **a housing for electrical circuits required by the light source (as recited in Claim 14), Figure 1, reference number 16;**
- **the housing being mounted on or adjacent the luminaire assembly (as recited in Claim 14), as seen in Figures 1, 3 and 4;**
and
- **the housing being mounted to the bulb cone (as recited in Claim 15), as seen in Figure 3 and 4.**

GORDIN discloses all the limitations of the claims, except:

- a reflective member located in a portion of the light source (as recited in Claim 12);
- the reflective member being positioned to redirect light from the source interiorly of the source (as recited in Claim 12);
- the ignitor circuit being adapted to be segregated from a ballast circuit for the light source (as recited in Claim 13); and
- the ignitor circuit being closer to the light source than the ballast circuit (as recited in Claim 13).

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to a reflective member located in a portion of the light source and positioned to redirect light from the source interiorly of the source (as recited in Claim 12), since the Examiner takes Official Notice that the use of reflective coatings applied to the envelope of light sources is old and well known in the art. Such coatings are used to increased the efficiency of light sources by redirecting towards a target of illumination light that would otherwise be directed towards the back of the luminaire, or other unwanted areas.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to position the ignitor circuit closer to the light source than the ballast circuit (as recited in Claim 13), since it has been held that rearranging parts of a prior art structure involves only routing skill in the art. *In re Japikse*, 181 F.2d 1019, 86

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USPQ 70 (CCPA 1950). In this case one would have been motivated to locate the ignitor as necessitated by the requirements of a particular application.

Regarding the ignitor circuit being adapted to be segregated from a ballast circuit for the light source (as recited in Claim 13), the applicant is once again advised that the use of the word "adapted" has been held by the courts that the recitation that an element is "adapted to" perform a function or serve in a given application is not a positive limitation, but only requires the ability to so perform. *In re Hutchinson*, 69 USPQ 138.

9. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over GORDIN (U.S. Pat. 5,707,142) in view of M^CINGVALE, Jr. et al. (U.S. Pat. 4,918,582).

GORDIN discloses a luminaire assembly having:

- **a bulb cone (as recited in Claim 1), Figure 3, reference number 15;**
- **a mounting connection (as recited in Claim 1), Figure 3, reference number 17;**
- **the mounting connection being adapted to mount the bulb to a support (as recited in Claim 1), column 1, lines 39-44;**
- **a reflector (as recited in Claim 1), Figure 2, reference number 12;**
- **the reflector having a portion adapted for connection to the bulb cone (as recited in Claim 1), Figure 3, reference number 26;**

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- **the reflector having an opening (as recited in Claim 1), Figure 3, reference number 18;**
- **the opening being adapted to be covered by a lens (as recited in Claim 1), column 1, lines 44-47;**
- **a mount (as recited in Claim 1), Figure 2, reference numbers 22 and 24;**
- **the mount being for receiving a double-ended unjacketed HID light source (as recited in Claim 1), column 1, lines 48-53;**
- **the mount being adapted to be positioned interiorly of the reflector (as recited in Claim 1), as evidenced by Figure 2;**
- **the mount including a member adapted to removably receive and hold a double ended HID light source (as recited in Claim 1), as evidenced by Figure 2;**
- **an electrical power connection (as recited in Claim 1), inherent;**
- **the power connection being adapted for connection to a source of electrical power (as recited in Claim 1), inherent.**

GORDIN discloses all the limitations of the claims, except:

- no electrically conducting surface from the HID source to a connection to a source of electrical power being exposed when the electrical circuit is connected (as recited in Claim 19); and

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- the electrically conducting surfaces being accessible by human fingers when the light source is disconnected from the power source (as recited in Claim 20).

M^CINGVALE, Jr. et al. discloses lamp electrical terminals and sockets having;

- **a mount for receiving a lamp (as recited in Claim 1), Figure 1, reference numbers 18a and 18b;**
- **electrical power connection for providing power (as recited in Claim 1), Figure 1, reference numbers 22a and 22b;**
- **the mount having first and second spaced apart receivers, Figure 1, reference numbers 18a and 18b;**
- **the receivers being positioned to hold the light source in a desired position inside a reflector, as seen in Figures 3, 4 and 6;**
- **the receivers providing releasable support of the light source, column 6, lines 46-63;**
- **the receivers including a spring clip, Figure 1, reference numbers 20a and 20b;**
- **no electrically conducting surface from the HID source to a connection to a source of electrical power being exposed when the electrical circuit is connected (as recited in Claim 19), as seen in Figure 2;**

- **the electrically conducting surfaces being accessible by human fingers when the light source is disconnected from the power source (as recited in Claim 20), as seen in Figure 2.**

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to use the terminal/socket combination of M^CINGVALE, Jr. et al. as the receivers of GORDIN to provide the luminaire of GORDIN with a safer, reliable and easy to remove/insert lamp connection, as per the teachings of M^CINGVALE, Jr. et al. (see column 6, lines 46-63).

Allowable Subject Matter

10. Claims 23-61 are allowed.
11. Claims 2-6 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
12. The following is a statement of reasons for the indication of allowable subject matter:

Applicant teaches HID luminaries having a reflector, a bulb cone and a double-ended unjacketed HID light source located inside the reflector. The reflector includes an opening adapted for receiving a lens. The reflector further includes means for

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receiving and electrically connecting the light source, such means including a frame positioned inside an interior chamber of the bulb cone. The frame includes a receiver adapted to hold a first connecting portion, and a guide for guiding a complementary second connecting portion into an operative, but manually releasable, finger-safe electrical connection with the first connecting portion.

Response to Arguments

13. Applicant's arguments filed December 27, 2004 have been fully considered but they are not persuasive.

14. Regarding the Examiner's rejection of claim 22 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement (e.g. redirecting light back towards a portion of the arc-tube in a manner to encourage isothermal conditions in the arc-tube), the applicant argues that explicit description is indeed provided for the limitations recited in the claim, specifically the applicant refers to page 9, lines 11-14 of the specification as filed. The specification disclosure relating to the reflective coating 112 redirecting light energy back through lamp 100, such redirection resulting in increased lamp life *believed* (emphasis added) to be due to a more uniform heating of the arc, the applicant argues, provides basis for the claim. Applicant further refers to Merriam-Webster's definition for the term "isothermal" to link the disclosed "uniform heating" language to the claimed limitation.

In response to applicant's arguments regarding Claim 22, it is noted that the specification merely states the belief that uniform heating (and *possibly* longer lamp life) results from redirecting light back to the lamp. However, even if, in arguendo, such uniform heating is considered as a fact, it still fails to provide support for the claimed isothermal conditions in the arc tube. The terms "uniform heating" and "isothermal conditions", while related, do not refer to the same concepts. "Isothermal" refers to generally steady state conditions resulting in a body having a single temperature across its volume; "uniform heating" on the other hand refers to providing heat energy to a body with a constant flux across its interface. Uniform heating of a body might result in isothermal conditions, or it might not, depending on the particular characteristics of the heated body (e.g. geometry, isotropism, etc.).

The Examiner suggests amending Claim 22 to incorporate the same language used by the description, e.g. "The method of claim 21 wherein the light is redirected in a manner to encourage ~~isothermal conditions in~~ uniform heating of the arc tube."

15. Regarding the Examiner's rejection of Claim 1 under 35 U.S.C. 102(b) as being anticipated by GORDIN (U.S. Pat. 5,707,142), the applicant argues that the cited reference fails to disclose all the features of the claimed invention, specifically:

- a bulb cone;
- a mounting connection adapted to mount the bulb cone to a support; and
- the reflector being adapted to connect to the bulb cone.

16. In response to applicant's surprising arguments, the applicant is respectfully directed to Section 7 of the instant Office Action, where a detailed matching of such limitations to the patented structure of GORDIN is presented.

GORDIN shows in figure 1-3 a bulb cone **15**, a mounting connection **17** and a reflector **12**. As clearly seen in figure 1 and 3, the reflector **12** is connected to the bulb cone **15**, while the mounting section **17** connects the bulb cone **15** to the support **14**.

In addition, the claim language only recited the mounting connection as being "adapted" to mount the bulb cone, and the reflector being "adapted" to connect to the bulb cone. As previously indicated, it has been held by the courts that the recitation that an element is "adapted to" perform a function or serve in a given application is not a positive limitation, but only requires the ability to so perform. *In re Hutchinson*, 69 USPQ 138. In this case, even if, in arguendo, GORDIN failed to disclose the bulb cone **15**, reflector **12** and mounting connection **17** performing the "adapted to" connections, the patented structure would still anticipate the claim since it is well capable of doing so.

17. Regarding the Examiner's rejection of claims 12-15, 19 and 20 under 35 U.S.C. 103(a), the applicant argues that the cited reference, or combination of references, fail to disclose or suggest all the features of the claimed invention, specifically:

- a bulb cone;
- a mounting connection adapted to mount the bulb cone to a support; and

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- the reflector being adapted to connect to the bulb cone.

18. In response to the arguments regarding claims 12-15, 19 and 20 the applicant is respectfully directed to Section 16 of the instant Office Action, where such arguments are discussed as they relate to independent Claim 1.

19. Regarding the Examiner's rejection of claims 7-9, 11, 16-18 and 21, the applicant presents no arguments , except stating that such claims are dependent from independent Claim 1, and would be allowable when/if the independent claim is allowed.

Conclusion

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

21. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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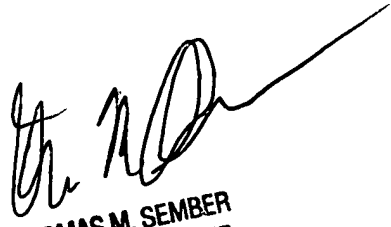
22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached at (571) 272-2378. The facsimile machine number for the Art Group is (703) 872-9306.

23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications maybe obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.


Inr

January 21, 2005


THOMAS M. SEMBER
PRIMARY EXAMINER